

NOTICE OF AMENDMENT

CERTIFIED - RETURN RECEIPT REQUESTED

January 16, 1997

Mr. James F. Conduff, Jr.  
President  
Badger Pipeline Company  
6100 South Yale  
One Warren Place  
Tulsa, Oklahoma 74102

CPF No. 37503M

Dear Mr. Conduff:

On May 6-9, 1996, a representative of the Central Region, Office of Pipeline Safety, pursuant to Chapter 601 of 49 United States Code, conducted an onsite pipeline safety inspection of Badger Pipeline Company's records at Des Plaines, Illinois.

As a result of a review of your Field Anti-drug Plan and the Alcohol Misuse Prevention Plan, the requirements for which are set forth in Section 199, the following inadequacies were noted within your Field Anti-drug Plan and the Alcohol Misuse Prevention Plan (AMPP) required by §199.7 and §199.202:

1. §199.25 Reporting of anti-drug testing results.

§199.25(a) states that each large operator (having more than 50 covered employees) shall submit an annual management information system (MIS) report to RSPA of its anti-drug testing results in the form and manner prescribed by the Administrator, not later than March 15 of each year for the prior calendar year (January 1 through December 31).

Badger's Anti-Drug Plan did not address the reporting

requirement for the annual management information system (MIS) report to RSPA.

2. §199.205 Definitions.

§199.205 contains terminology that defines alcohol, confirmation test, and screening test.

Badger's Alcohol Misuse Prevention Plan (AMPP) did not contain definitions for alcohol, confirmation test, and screening test.

3. §199.213 Starting date for alcohol testing programs.

§199.213(a) states that each operator with more than 50 covered employees on February 15, 1994, shall implement the requirements of this subpart beginning on January 1, 1995.

Badger's AMPP did not specify the starting date of its Testing Program.

4. §199.225 Alcohol test required.

§199.225(a)(ii) states that for the years stated in this paragraph, employers who submit MIS reports shall submit to RSPA each record of a test required by this section that is not completed within 8 hours. The employer's records of tests that could not be completed within 8 hours shall be submitted to RSPA by March 15, 1996; March 15, 1997; and March 15, 1998; for calendar years 1995, 1996, and 1997, respectively.

Badger's AMPP did not address the reporting of the annual management information system (MIS) report to RSPA. The AMPP did not state that missed test information will be submitted along with the MIS report no later than March 15 of each year.

5. §199.225 Alcohol test required.

§199.225(d)(2) states that follow-up testing shall be conducted when the covered employee is performing covered functions; just before the employee is to perform covered functions; or just after the employee has ceased performing such functions.

Badger's AMPP does not address that follow-up testing is unannounced and is conducted when the covered employee is performing covered functions; just before the employee is to perform covered functions; or just after the employee has ceased performing such functions.

As provided in 49 C.F.R. 190.237, this notice serves as your notification that this office considers your Field Anti-drug Plan and the Alcohol Misuse Prevention Plan inadequate. Under 49 C.F.R. 190.237, you have a right to submit written comments or request an informal hearing. You must submit written comments or a request for a hearing within 30 days after receipt of this notice. After reviewing the plans, the Associate Administrator for Pipeline Safety will determine whether your plans are adequate. The criteria used in making this determination are outlined in 49 C.F.R. 190.237. If you do not wish to contest this notice, please provide your revised plans within 30 days of receipt of this notice.

Sincerely,

Ivan A. Huntoon  
Director, Central Region  
Office of Pipeline Safety